

**From:** Ross J. Reedstrom  
**To:** Microsoft ATR  
**Date:** 1/23/02 12:55pm  
**Subject:** Microsoft Settlement

I am a research scientist in the computer and Information Technology Institute at Rice University, in Houston, TX. I have been doing research and development in the field of information technology for over 5 years.

I find the Proposed Final Judgment (PFJ) to be not in the public interest, for many reasons. One principle objection I have is the usage limitations placed on the information that Microsoft Corp. (MSC) is being required to release by section II.D of the PFJ, to wit:

"for the sole purpose of interoperating with a Windows Operating System Product,"

This restriction serves to enhance, rather than remove, the monopoly MSC holds in on Intel-compatible PC operating systems, as affirmed by the Court of Appeals. It excludes a valid mechanism by which the Court could reduce MSC's monopoly: encouragement and support of ISVs and others to develop software that allows applications designed to run on the Windows family of operating systems to run on top of other operating systems, thereby directly competing with MSC in the area they hold an illegal monopoly. Such products have not been written by commercial ISVs, however, non-commercial efforts to develop such software have started, with great difficulty, discovering the secret parts of the Windows APIs by trial and error. One such project is WINE, designed to allow Windows applications, even MSC's own applications, to run on Linux and other Unix-like operating systems on Intel-compatible hardware.

This is only one example of how the PFJ has been limited and restricted to the benefit of MSC. The finding of law is clear: the Court of Appeals affirmed it - MSC is an unlawful monopolist. Yet, the PFJ has no effective enforcement mechanisms, even though the violator (MSC) has shown a history of ignoring and blatantly violating court judgments. The restrictions that do exist in the PFJ are so weak, with unusual, narrow definitions of common terms of art, such as "API" or "Middleware", such as to gut what little power they might have had.

In short, I agree with the State Attorneys General who found this settlement completely unacceptable - it does nothing to "terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future" (Court of Appeals ruling, Section V.D.)

As a citizen of this country, I am disheartened that the government department whose purpose is to enforce the law of the land, whose very name is composed of one of the great moral principles our country

is founded on, Justice, would offer such a complete capitulation to lawbreakers, in the name of expediency. In this time when our nation and its principles are under attack by forces who seek to deny us our fundamental freedoms, it is imperative that we stand firm, and support the principle of rule of law, in both letter and spirit. Even if the proposed final judgment fulfilled the letter of the law, which I do not believe it does, it clearly violates the spirit.

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